

ENTERED

July 23, 2020

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
- BROWNSVILLE DIVISION -**

UNITED STATES OF AMERICA §

V. § **CASE NO.: B-20-CR-356-01**

Jose Gregorio Hernandez-Garcia §

ORDER GRANTING UNOPPOSED MOTION FOR CONTINUANCE

Defendant is charged with illegally re-entering the United States in violation of Title 8, United States Code, Section 1326(a) and (b)(1). Dkt. No. 8. On July 22, 2020, Defendant filed a motion for continuance of this case as defense counsel needs additional time to communicate with defendant. Due to the current COVID-19 Pandemic, defense counsel is unable to visit with Defendant physically or remotely. Willacy County Detention Facility personnel has advised Defendant cannot have visits until he has been cleared. Additionally, Counsel requests the continuance to exercise the Defendants right to effective assistance of counsel as guaranteed by the 6th Amendment to the United States Constitution. Defense counsel is unable to provide a Waiver of Speedy Trial at this time. The Government is unopposed to the continuance. Dkt. No. 16. This case has not been previously continued.

Based on the foregoing, and pursuant to the provisions of The Speedy Trial Act, the Court hereby **CONTINUES** this case for **thirty (30)** days, finding that the "ends of justice served by taking such action outweigh the best interest of the public and [Defendant] in a speedy trial." 18 U.S.C. § 3161(h)(7)(A). Failure to grant such continuance would deny counsel for Defendant and the Government the "reasonable time necessary for effective preparation, taking into account the exercise of due diligence." ***Id.*** at § 3161(h)(7)(B)(iv). The period of delay caused

as a result of the granting of this motion shall be excluded in computing the time within which trial of this case must commence. **Id.** at§ 3161(h).

This case is therefore **RESET** as follows:

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| Motions Hearing before Judge Morgan: | August 25, 2020 at 9:00a.m. |
| Final Pre-trial Conference before Judge Rodriguez: | September 1, 2020 at 8:30 a.m. |
| Jury Selection before Judge Rodriguez: | September 8, 2020 at 9:00 a.m. |

DONE at Brownsville, Texas, this 23rd day of July, 2020.



Ronald G. Morgan
United States Magistrate Judge